

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RECEIVED
CLERK'S OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASS.
OCT 18 2004 P 2:29
CIVIL ACTION NO. 04-CV-10945-RGS

DAVID NAGER & ASSOCIATES, INC.,)

Plaintiff,)

)

)

)

v.)

)

)

UNIVERSAL AUTOMOTIVE, INC.,)

Defendant.)

)

RULE 16.1 JOINT STATEMENT

Pursuant to Local Rule 16.1, Plaintiff David Nager & Associates, Inc. ("Nager") and Defendant Universal Automotive, Inc. ("Universal") file the following as their joint statement memorandum.

I. Joint Discovery Plan

The parties plan to serve Rule 26 (a)(1) required initial disclosures on November 12, 2004, and to follow up with interrogatories and document requests, and perhaps, requests for admissions. After review of documents produced by Universal, Nager may issue third-party subpoenas duces tecum to the four customers listed in the Complaint. Universal reserves its right to seek a protective order regarding such subpoenas. After review of documents produced by Nager, Universal may issue document subpoenas to non-parties.

The parties plan to undertake party depositions in January-February, 2005. The parties will then consider the need for taking third-party depositions of the four customers identified in

the Complaint or other witnesses. Such depositions would be conducted in February-April, 2005.

The parties will file any discovery-related motions by April 30, 2005.

In the event the parties retain experts, Nager's expert report will be submitted by May 30, 2005, and Universal's expert report will be submitted by June 30, 2005.

The parties will file any dispositive motions by July 15, 2005 (unless there remains a discovery-related motion that has not been ruled upon).

II. Magistrate

Nager consents to trial of this matter by magistrate. Universal does not consent to trial by magistrate.

III. Local Rule 16.1 Certifications

The parties will file their Local Rule 16.1(D)(3) certifications individually.

Dated: October 15, 2004

DAVID NAGER & ASSOCIATES, INC.
By its attorneys,


William A. DeVasher, Jr.

BBO № 552010

Michael B. Cosentino

BBO № 558036

Molly Cochran

BBO № 551833

Seegal, Lipshutz & Wilchins, P.C.

Wellesley Office Park

60 William Street, Suite 200

Wellesley, Massachusetts 02481

781.237.4400 (telephone)

781.235.2333 (telefax)

UNIVERSAL AUTOMOTIVE, INC.
By its attorneys,

T. Christopher Donnelly/jmc

T. Christopher Donnelly
BBO#129930

Donnelly, Conroy & Gelhaar, LLP
One Beacon Street, 33d floor
Boston, Massachusetts 02108
617-720-2880 (telephone)
617-720-3554 (telefax)